IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 3071 of 2007

1. Vikhya Laxman Wadhan
andothers ..Petitioners

vs.

1. Vipul Pranjivan Chheda
and others ..Respondents

Shri A.J.Joshi for petitioners.
Shri Nitin Gangal for respondent nos.1 and 2.

CORAM: S.C.DHARMADHIARI J.
14th December, 2007

P.C.

1. The impugned order merely restrains the present petitioner/defendant from disturbing the physical possession of the respondent/plaintiff or their servants in the suit property and also obstructing them from fetching or pumping the well water. The lower appellate Court while reversing the judgment of the trial Court has observed that the material produced at the prima facie stage shows that the respondent/plaintiffs are in settled possession. All that the lower Appellate Court has done is that the settled possession is protected. The same is directed not to be disturbed except by due process of law. There is no reason to interfere with the impugned order. Petition is dismissed. All

observations in the impugned order are tentative and prima facie and, therefore, shall not influence the Trial Court while trying the suit.

(S.C.DHARMADHIKARI J.)